

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NUTRAMAX LABORATORIES, INC., et al.,

Plaintiff,

v.

ERWI LLC, et al.,

Defendants.

Civil Action No. 1:23-cv-897

**JURY TRIAL DEMANDED**

**NUTRAMAX'S STATUS REPORT**

Plaintiffs Nutramax Laboratories, Inc. and Nutramax Laboratories Veterinary Sciences, Inc. (collectively, "Nutramax") hereby provide this status report regarding their service of the Defendants in this case and other related activities.<sup>1</sup>

The Court granted Nutramax leave to serve the owners of the eBay accounts "tharakneth-0," "kinsaypua\_01," "pham\_4600," "dulanga\_mart", "chelsehun-3," "lotrant-28," "yaddowm," "kakay1009," "damia-901," "phamli\_40," and "aliin-91" (the "eBay Defendants") via email through a text order issued March 4, 2024. The summonses for the eBay Defendants issued on March 12, 2024 (Dkt. 43), and Nutramax served the Defendants via email on March 21, 2024—proofs of service were filed with the Court today, April 26, 2024 (Dkts. 45-55).

The only remaining Defendant that has not yet been served is the Individuals, Partnerships, Business Entities, or Unincorporated Associations operating the Amazon Seller Account "hongtongxiantanlinmaoyiyouxiangongsi." Earlier today, Nutramax filed a Motion for Alternative

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<sup>1</sup> Counsel for Nutramax apologizes to the Court that this status report was not filed yesterday, April 25, 2024, which was 30 days from the Court's March 26, 2024 Order. The date for this Status Report had been calendared incorrectly due to an internal error.

Service requesting leave to serve this Defendant by email based on information learned from Amazon and an investigation conducted by Nutramax's local counsel in China. (Dkt. 56). Nutramax will effect service as soon as it can on this remaining Defendant if its motion is granted.

As a further update, counsel for Nutramax has held a Rule 26(f) conference with counsel for Defendant Flashship Logistics, LLC ("Flashship") (the only Defendant that has appeared in this matter to date) and is preparing a draft Agreed Scheduling Order based on the Court's form. Nutramax will seek to finalize that document with Flashship's counsel and submit it to the Court soon.

Finally, Nutramax still plans to file a Motion for Leave to File a Second Amended Complaint related to additional sellers of counterfeit products identified on eBay. Collating the evidence and information for that Second Amended Complaint and incorporating it into the document has taken longer than anticipated, but Nutramax expects that motion to be filed before its next status report in this matter is due.

Respectfully submitted, this 26th day of April, 2024.

*/s/ Uly S. Gunn*

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Jason D. Rosenberg (admitted PHV)

*jason.rosenberg@alston.com*

Georgia Bar No. 510855

Uly S. Gunn (admitted PHV)

*sam.gunn@alston.com*

Georgia Bar No. 261871

Mary Grace Gallagher (admitted PHV)

*marygrace.gallagher@alston.com*

Georgia Bar No. 121954

ALSTON & BIRD LLP

One Atlantic Center

1201 West Peachtree Street

Atlanta, GA 30309-3424

Telephone: 404-881-7000

Brady Cox

*brady.cox@alston.com*

Texas Bar No. 24074084

ALSTON & BIRD LLP

2200 Ross Avenue

Suite 2300

Dallas, Texas 75201

Tel: (214) 922-3400

Fax: (214) 922-3899

*Attorneys for Plaintiffs Nutramax*

*Laboratories, Inc. and Nutramax*

*Laboratories Veterinary Sciences, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date filed the foregoing NUTRAMAX'S STATUS REPORT via the Court's CM/ECF system, which will automatically give notice to all counsel of record. I have also served the foregoing on Murtaza Hayat and the operators of the eBay Seller Accounts "tharakneth-0," "kinsaypua\_01," "pham\_4600," "dulanga\_mart", "chelsehun-3," "lotrant-28," "yaddowm," "kakay1009," "damia-901," "phamli\_40," and "aliin-91" via email as authorized by the Court. I will also serve the foregoing via First Class Mail on ERWI LLC at the addresses listed below.

Erwi LLC  
5900 Balcones Drive, Suite 4712  
Austin, TX 78731-4257

This 26th day of April, 2024.

/s/ Uly S. Gunn  
Uly S. Gunn